

REMARKS

This Response and Amendment is in response to the Office Action mailed on July 30, 2003. Reconsideration of this application is respectfully requested.

Allowable Subject Matter

Applicants acknowledge, with appreciation, the allowance of Claims 31-33 and the indicated allowability of Claims 39-41, pending the spelling correction of the term "flow rate."

Claim Objections

The Office Action objected to Claims 4, 31, 34 and 39 based on the spelling of the term "flow rate" and to Claims 9, 17 and 26 based on the use of the phrase "each phase" therein. As provided above, the noted claims have been amended to overcome the objections.

Prior Art Rejection

The Office Action rejected Claims 1-30 and 34-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,418 to Evans, III et al. ("the Evans patent"). This rejection is respectfully traversed.

The various rejected claims generally require, inter alia, a first phase of an injection protocol or procedure as a flushing medium phase. As such, the flushing medium is injected into the patient during or as part of an actual injection procedure or protocol.

The Evans patent, as cited in the Office Action, discloses that a diluent fluid “can be used to prime the line and make sure that all air has been removed from the path to the patient.” (Col. 6, lines 56-58.) When priming the patient line / path with fluid to remove air therefrom, the line / path is typically not connected to the patient. Otherwise, air in the line would be injected into the patient during the priming procedure (which is to be avoided). Therefore, the flush or priming procedure disclosed in the Evans patent is not part of an injection procedure to inject flushing medium into the patient, as is contemplated by the inventions of the rejected independent claims.

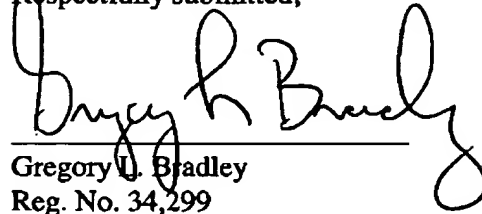
Further, the passage at Col. 6, lines 44-52, of the Evans patent discloses that diluent flow is continued after the contrast flow is stopped to flush the contrast out of the tubing and into the patient. When this occurs, the Evans patent indicates that extra fluid, presumably including diluent fluid, may be injected into the patient. However, this injection of diluent fluid would necessarily occur during or after the injection of contrast fluid.

Based on at least the above reasons, Applicants submit that the Evans patent does not render obvious the Applicants’ claimed inventions, and that the rejections of Claims 1-30 and 34-38 based thereon should be withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that the application is now in condition for allowance. Reconsideration of this application is respectfully requested.

Date: October 29, 2003

Respectfully submitted,


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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-872-9302) on October 29, 2003.

Gregory L. Bradley

